

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-18 are pending in this application.

II. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-5 and 7-18 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,973,662 to Sie, et al. (hereinafter, merely “Sie”) in view of U.S. Patent No. 5,875,303 to Huizer, et al. (hereinafter, merely “Huizer”) and further in view of U.S. Patent No. 7,020,195 to McMahon.

Claim 6 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Sie in view of Huizer and further in view of McMahon, and further in view of U.S. Patent No. 5,831,662 to Payton (hereinafter, merely “Payton”).

Claim 1 recites, *inter alia*:

“A data transmission system...

wherein said divisional data files can be restored into original data when a predetermined number of packets are removed by said data receiving apparatus from a group of packets generated by said data transmitting apparatus.”
(Emphasis added)

As understood by Applicants, Sie relates to a method and apparatus for distributing programming. A first set of program segments is transmitted according to a schedule of programming. A second set of program segments is stored on a server, with at least one of the first set of program segments having a counterpart in the second set of program

segments. A database is maintained that records user authorizations to program segments on the server. A request from a user for program control of a particular program segment is detected and a determination is made whether to grant program control to the user.

As understood by Applicants, Huizer relates to accessing interactive audiovisual programs stored on a remote server by a multimedia station. The audiovisual program is stored in the same format as it is stored on a CD disc, i.e. in the form of sectors. In order to allow conventional CDi decoders to access remotely stored CDi applications via interactive networks, the interactive audiovisual program is transmitted as a private MPEG2 data stream, using the concept of MPEG's transport stream.

As understood by Applicants, McMahon relates to an image processing system which generates a base layer that represents a low-resolution portion of a source image and an enhancement layer which represents a high-resolution portion of a source image. An image decoding system is used to identify the base layer and the enhancement layer from a transport stream and recreate the source image.

Applicants respectfully submit that Sie, Huizer, and McMahon taken either alone or in combination, do not teach or suggest the above identified features of claim 1. Specifically, Sie, Huizer, and McMahon do not teach or suggest a data transmission system wherein said divisional data files can be restored into original data when a predetermined number of packets are removed by said data receiving apparatus from a group of packets generated by said data transmitting apparatus, as recited in independent claim 1.

More specifically, the cited portions of McMahon teach selectively decompressing portions of a transport stream, e.g., a base layer and an enhanced layer, as required by a low-resolution or high-resolution television. The present invention teaches the

converse in that divisional data files transmitted via multiple transport streams are restored into an original file. In other words, McMahon teaches selecting a subset of data from an original file in a transport stream while the present invention teaches restoring an original file from a full set of divisional data files transmitted via multiple transport streams. Applicant submits that the significance of such a feature of the present invention resides in that high speed transfer of the contents of a large file over multiple transfer streams can be achieved.

Further, Payton fails to cure the deficiencies of Sie, Huizer, and McMahon.

Therefore, Applicants submit that independent claim 1 is patentable.

For reasons similar to, or somewhat similar to, those described above with regard to independent claim 1, independent claims 8-18 are patentable.

III. DEPENDENT CLAIMS

The other claims in this application are each dependent on an independent claim discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

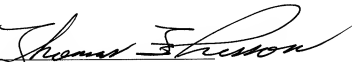
In the event the Examiner disagrees with any of statements appearing above with respect to the disclosures in the cited reference or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference or references providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By 
Thomas F. Presson
Reg. No. 41,442
(212) 588-0800